

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW  
MEXICO

NANCY LEWIS  
Plaintiff,

v.

No. CV 10-638 RHS/WDS

CAPITAL ONE AUTO FINANCE and GEICO INSURANCE,  
Defendants.

**PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS AND  
INFORMATION FROM DEFENDANT CAPITAL ONE**

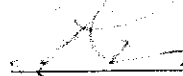
Plaintiff hereby propounds her second request for production of documents and  
information from Defendant Capital One:

3. Information regarding how, when, from whom and under what circumstances  
Capital One obtained the two fraudulent tax returns it has in its files for Plaintiff for 2004  
and 2005.

5. A copy of the title used to sell the vehicle at issue showing to whom sold and  
the bill of sale.

Exhibit A

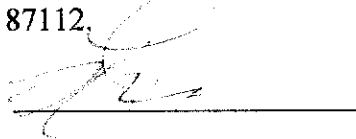
Respectfully submitted,



Nancy Lewis, *Pro Se*  
2339 Calle Reina  
Santa Fe, NM 87507  
Tel: cell 505 819-1339  
rilke1872@yahoo.com

**CERTIFICATION**

I hereby certify that *a cel jour*, Jan. 21, 2010, I mailed a copy of this Pleading to Atty. Stan N. Harris, Modrall, Sperling, Roehl, Harris & Sisk, P.A., Post Office Box 2168, Albuquerque, New Mexico 87103; Attys. Ryan S. Patterson and Kevin D. Quigley, Quarles & Brady LLP, One Renaissance Square, Two North Central Avenue, Phoenix, AZ 85004; and Atty. Stephen M. Simone, Simone, Roberts & Weiss, P.A., 11200 Lomas Blvd., N.E., Suite 210, Albuquerque, New Mexico 87112.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

NANCY LEWIS,

Plaintiff,

v.

No. 10-CIV-638 RHS/WDS

CAPITAL ONE AUTO FINANCE and  
GEICO INSURANCE,

Defendants.

**CAPITAL ONE AUTO FINANCE, INC.'S RESPONSE TO PLAINTIFF'S SECOND  
REQUEST FOR PRODUCTION OF DOCUMENTS AND INFORMATION**

3. Information regarding how, when, from whom and under what circumstances Capital One obtained the two fraudulent tax returns it has in its files for Plaintiff for 2004 and 2005.

Objection; the request assumes the tax returns are fraudulent. COAF received those documents Bates numbered COAF(Lewis) 000048 through 000052 from Royal Subaru Isuzu as part of the loan application for the subject Vehicle.

5. A copy of the title used to sell the vehicle at issue showing to whom sold [sic.] and the bill of sale.


Plaintiff has alleged breach of contract and breach of implied covenant of good faith and fair dealing claims resulting from the events that transpired in or around the Summer 2007. A copy of the title used to sell the car after the repossession and the bill of sale are completely irrelevant with respect to Plaintiff's claim. The request is not reasonably calculated to lead to the discovery of admissible evidence.

Exhibit B

Respectfully submitted,

QUARLES & BRADY LLP  
Kevin D. Quigley (kquigley@quarles.com)  
Ryan S. Patterson (ryan.patterson@quarles.com)  
One Renaissance Square  
Two North Central Avenue  
Phoenix, AZ 85004  
(602) 229-5200  
Fax (602) 229-5690  
and

MODRALL SPERLING ROEHL  
HARRIS & SISK, P.A.  
Stan N. Harris (sharris@modrall.com)  
P. O. Box 2168  
Albuquerque, NM 87103  
(505) 848-1800  
Fax (505) 449-2006

By   
Ryan S. Patterson

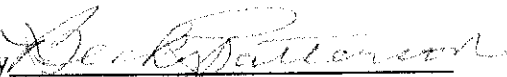
**ATTORNEYS FOR DEFENDANT CAPITAL  
ONE AUTO FINANCE**

I HEREBY CERTIFY that on the 25th day of February, 2011, I mailed the foregoing to the following parties.

Nancy Lewis, Pro Se  
2339 Calle Reina  
Santa Fe, NM 87507  
Plaintiff Pro Se

Stephen M. Simone, Esq.  
Simone, Roberts & Weiss, P.A.  
11200 Lomas Blvd, N.E., Suite 210  
Albuquerque, NM 87112  
Attorney for Defendant Geico Insurance Co.

QUARLES & BRADY LLP

By   
Becky Patterson

**Request for compliance**

Tuesday, March 1, 2011 12:24 PM

**From:** "Nancy Lewis" <nlike1872@yahoo.com>  
**To:** ryan.patterson@quarles.com  
**Cc:** hzayani@srw-law.com, snh@modrall.com, kquigley@quarles.com

Mr. Patterson, this is a request for compliance under F.R.C.P. 37:

Kindly have your client provide a copy of the title used to sell the subject vehicle as requested in my second request for documents and information. Contrary to your client's contention, the title used to sell the subject vehicle is my business. Capital One informed me in August, 2007, that the title to the vehicle had been lost and that was the reason they had not furnished it to New Mexico, as requested. Whether or not this was/is true remains in question and can likely be clarified by your client providing a copy of the title used to sell the vehicle. As well, I devoted a good deal of time and effort, not to mention money, trying to help Capital One solve this alleged dilemma and deserve to know the truth.

Thank you for your cooperation.

Nancy Lewis

Exhibit C



One Renaissance Square  
Two North Central Avenue  
Phoenix, Arizona 85004-2391  
Tel 602.229.5200  
Fax 602.229.5690  
www.quarles.com

*Attorneys at Law in:  
Phoenix and Tucson, Arizona  
Naples and Tampa, Florida  
Chicago, Illinois  
Milwaukee and Madison, Wisconsin*

Writer's Direct Dial: 602.229.5437  
E-Mail: ryan.patterson@quarles.com

March 22, 2011

**Via U.S. Mail and Electronic Email**

Nancy Lewis  
2339 Calle Reina  
Santa Fe, NM 87507  
[rilke1872@yahoo.com](mailto:rilke1872@yahoo.com)

**RE: Lewis v. Capital One Auto Finance**

Dear Ms. Lewis:

This letter is in response to your Tuesday, March 1, 2011, email wherein you asked that my client supplement its discovery responses and provide a copy of the title used to sell the subject vehicle after the repossession. As previously stated, this information is wholly irrelevant to the claims pending against Capital One in the lawsuit. Nonetheless, to avoid needless motion practice, a copy of the title is attached hereto.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ryan S. Patterson", with a large, stylized flourish extending from the end of the signature.

Ryan S. Patterson

cc: Stan N. Harris, Esq.  
Stephen M. Simone, Esq.

*Exhibit D*

STATE OF SOUTH CAROLINA					
CERTIFICATE OF TITLE					
OF A VEHICLE					
VEHICLE ID NUMBER 1C3EL6R35NS61812	YEAR 2006	MAKE CHRY	MODEL MINI	NEW/USED USED	
BODY STYLE CH	DATE ISSUED 10-11-2006	ODOMETER 27,500	WEIGHT 3276	TITLE NUMBER 77813F163804106	
VEHICLE BRAND(S) ACTUAL MILEAGE					
FULL NAME OF OWNER(S) LEWIS, NANCY LOUISE 110 FORTE ST CHESTER SC 297061494			CUSTOMER NUMBER: 051001032		
FIRST LIENHOLDER CAPITAL ONE AUTO FINANCE PO BOX 95016 LONG BEACH CA 908092016 DATE OF LIEN 03/28/2006			1ST LIEN RELEASED _____ BY _____ (DATE) (AUTHORIZED AGENT)		
<p>THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES HEREBY CERTIFIES THAT THE PERSON HEREIN IS REGISTERED BY THIS DEPARTMENT AS THE LEGAL OWNER OF THE VEHICLE DESCRIBED HEREIN TO THE LIEN, IF ANY, HEREIN SET FORTH.</p> <p>MARCIA S. ADAMS EXECUTIVE DIRECTOR</p> <p>MARK BARNFORD GOVERNOR</p>					

037222387

Exhibit E



**Re: Lewis v. Capital One**

Tuesday, March 22, 2011 4:58 PM

**From:** "Nancy Lewis" <rilke1872@yahoo.com>

**To:** "Ryan S. Patterson" <Ryan.Patterson@quarles.com>

Mr. Patterson, I have of course seen this title, and it is not what I requested. I asked for a copy of the title as it applied to whomever the car was sold to, listing their name, as well as a copy of the bill of sale. When you sell a vehicle, the title is signed over to the purchaser, and this is what I want not a copy of something that your client already had in its files, though I suspect not in its original form. Thank you for your help.

Nancy Lewis

--- On Tue, 3/22/11, Patterson, Ryan S. <Ryan.Patterson@quarles.com> wrote:

From: Patterson, Ryan S. <Ryan.Patterson@quarles.com>

Subject: Lewis v. Capital One

To: "rilke1872@yahoo.com" <rilke1872@yahoo.com>

Cc: "sharris@modrall.com" <sharris@modrall.com>, "ssimone@srw-law.com" <ssimone@srw-law.com>

Date: Tuesday, March 22, 2011, 4:33 PM

Please see the attached.

**Becky Patterson**

Legal Secretary

One Renaissance Square

Two North Central Avenue

Phoenix, Arizona 85004-2391

www.quarles.com

P: (602) 229-5668

F: (602) 229-5690

becky.patterson@quarles.com

This electronic mail transmission and any attachments are confidential and may be privileged. They should be read or retained only by the intended recipient. If you have received this transmission in error, please notify the sender immediately and delete the transmission from your system. In addition, in order to comply with Treasury Circular 230, we are required to inform you that unless we have specifically stated to the contrary in writing, any advice we provide in this email or any attachment concerning federal tax issues or submissions is not intended or written to be used, and cannot be used, to avoid federal tax penalties.

Exhibit F

**Your snide comments . . .**

Tuesday, March 22, 2011 5:21 PM

**From:** "Nancy Lewis" <nike1872@yahoo.com>

**To:** ryan.patterson@quarles.com

**Cc:** snh@modrail.com, hzayani@srw-law.com, kquigley@quarles.com

. . . do not wash over me like water on a duck's back, you know. My request for the title that was used to sell the vehicle is hardly "wholly irrelevant" to the claims pending against your client, since your lying client advised me that it had lost the title to my car and that was the reason it had not provided the title to New Mexico, as requested. Lies equal bad faith and unfair dealing, something that is apparently going to continue right through litigation.

And when I am forced to file motions to compel your client to comply with my requests, apparently on your bad advice, I hardly think that these filings can be considered "needless motion practice."

Why don't you try to hunt down a lying consultant such as your co-defendant has done to try to convince the Court that deleted communications are not also evidence of bad faith and unfair dealing?

I may be poor but I'm thankful that I don't have to make my living lying and supporting other liars the way you do.

*Nancy Lewis*

*Exhibit G*

3/22/2011 9:31 PM

**[ No Subject ]**

Wednesday, March 23, 2011 12:28 AM

**From:** "Nancy Lewis" <nrlke1872@yahoo.com>  
**To:** ryan.patterson@quarles.com  
**Cc:** snh@modrall.com, hzayant@srw-law.com, kquigley@quarles.com

Mr. Patterson, I did not, as you stated in your letter of today, ask that your client *supplement* its discovery responses. Instead, I made a request under F.R.C.P. 37 that your client comply with my second discovery request, which it had done not at all in regard to #5, as a required prelude to the filing of a motion to compel. (And by the way, before you go throwing "sics" into my writing you had better know what you are talking about, because you just show your ignorance of the English language).

I feel that I have been more than patient in this matter, and so if I do not receive the requested information in its entirety by next Tuesday, March 29, you may expect me to file another motion to compel without further notice, the next day or soon after. And it will include a *much* larger request for compensation for my time and annoyance in dealing with your rudeness. (As I recall from our meeting in December, you are quite young, and it is clear that no one has yet taught you your manners).

As well, in regard to the contention in your Feb. 24 letter, issues in my previous Motion to Compel have *not* been addressed as far as I am concerned and are *not* moot. Specifically, COAF has not produced all of its records, and you cannot absolve that criminal company of responsibility by saying, "To the extent COAF has any responsive documents to these requests, those documents have already been produced." Those documents have been deleted from the record just as co-defendant Geico has done with anything that is true and supports my case. More collusion.

For your information, I did not "assume" that the tax returns not in question are fraudulent; I *know* that they are, and I am the only one in position to have this knowledge. This is an idiotic objection.

Nancy Lewis

Exhibit

H

RE: [QBLLP-ACTIVE.FID35103586]

Monday, March 28, 2011 12:23 AM

From: "Nancy Lewis" &lt;rilke1872@yahoo.com&gt;

To: "Ryan S. Patterson" &lt;Ryan.Patterson@quarles.com&gt;

That was not the bill of sale. It says right on it, "Not a Receipt." A bill of sale *is* a receipt. And, yes, apparently a motion will be necessary, because I still don't have a copy of the title to the vehicle after it was signed over to the buyer. I don't care whether COAF has that or not; I want it, and they can get it.

--- On Sun, 3/27/11, Patterson, Ryan S. <Ryan.Patterson@quarles.com> wrote:

From: Patterson, Ryan S. &lt;Ryan.Patterson@quarles.com&gt;

Subject: RE: [QBLLP-ACTIVE.FID35103586]

To: "Nancy Lewis" &lt;rilke1872@yahoo.com&gt;

Cc: "Quigley, Kevin D." &lt;Kevin.Quigley@quarles.com&gt;, "Stan N. Harris" &lt;sharris@modrall.com&gt;

Date: Sunday, March 27, 2011, 11:53 PM

From: Nancy Lewis [mailto:rilke1872@yahoo.com]

Sent: Sunday, March 27, 2011 7:44 PM

To: Patterson, Ryan S.

Subject: RE: [QBLLP-ACTIVE.FID35103586]

Sorry, but still not what I asked for. The title which was signed over to the buyer may not be in Capital One's possession, but it is a copy of this document which I seek. Along with a copy of the bill of sale.

Nancy Lewis

--- On Sun, 3/27/11, Patterson, Ryan S. <Ryan.Patterson@quarles.com> wrote:

From: Patterson, Ryan S. &lt;Ryan.Patterson@quarles.com&gt;

Subject: RE: [QBLLP-ACTIVE.FID35103586]

To: "Nancy Lewis" &lt;rilke1872@yahoo.com&gt;

Cc: "snh@modrall.com" &lt;snh@modrall.com&gt;, "hzayani@srw-law.com" &lt;hzayani@srw-law.com&gt;, "Quigley, Kevin

D." &lt;Kevin.Quigley@quarles.com&gt;

Date: Sunday, March 27, 2011, 9:08 PM

---

From: Nancy Lewis [mailto:rilke1872@yahoo.com]

Sent: Tuesday, March 22, 2011 9:28 PM

To: Patterson, Ryan S.

Cc: snh@modrall.com; hzayani@srw-law.com; Quigley, Kevin D.

Subject:

Mr. Patterson, I did not, as you stated in your letter of today, ask that your client *supplement* its discovery responses. Instead, I made a request under F.R.C.P. 37 that your client comply with my second discovery request, which it had done not at all in regard to #5, as a required prelude to the filing of a motion to compel. (And by the way, before you go throwing "sics" into *my* writing you had better know what you are talking about, because you just show your ignorance of the English language).

I feel that I have been more than patient in this matter, and so if I do not receive the requested information in its entirety by next Tuesday, March 29, you may expect me to file another motion to compel without further notice, the next day or soon after. And it will include a *much* larger request for compensation for my time and annoyance in dealing with your rudeness. (As I recall from our meeting in December, you are quite young, and it is clear that no one has yet taught you your manners).

Exhibit I

As well, in regard to the contention in your Feb. 24 letter, issues in my previous Motion to Compel have *not* been addressed as far as I am concerned and are *not* moot. Specifically, COAF has not produced all of its records, and you cannot absolve that criminal company of responsibility by saying, "To the extent COAF has any responsive documents to these requests, those documents have already been produced." Those documents have been deleted from the record just as co-defendant Geico has done with anything that is true and supports my case. More collusion.

For your information, I did not "assume" that the \_\_\_\_\_ not in question are fraudulent; I *know* that they are, and I am the only one in position to have this knowledge. This is an idiotic objection.

*Nancy Lewis*

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transmission in error, please notify the sender immediately and delete the transmission from your system. In addition, in order to comply with Treasury Circular 230, we are required to

inform you that unless we have specifically stated to the contrary in writing, any advice we provide in this email or any attachment concerning federal tax issues or submissions is not intended or written to be used, and cannot be used, to avoid federal tax penalties.

This electronic mail transmission and any attachments are confidential and may be privileged. They should be read or retained only by the intended recipient. If you have received this transmission in error, please notify the sender immediately and delete the

transmission from your system. In addition, in order to comply with Treasury Circular 230, we are required to inform you that unless we have specifically stated to the contrary in writing, any advice we provide in this email or any attachment concerning federal tax issues or submissions is not intended or written to be used, and cannot be used, to avoid federal tax penalties.

Reg 5/07/2009 HIS SF - CHECK OR DRAFT WRITTEN(A) Sold 5/07/2009 DISS DAAE  
 2009 019 03 0022 W 1027002 S L 62062130341091001 INV 165401 A  
 2005 CHRYSLER SEBRING TOURING 2DCV BLUE BLK 6G Miles 69365 6  
 VIN 1C3EL55R35N561812 Announcements FRAME/UNIBODY DAMAGE L Y Grp CAPO  
 Lic# Tab# Pd L TR 1 Time Bk 10:16:37 Ck 10:43:06 Alt LSE  
 Regd RSV Rg 11:22:03 UNIBODY DAMAGE FRT RAILS  
 \*\*\*\*\* BUYERS SIDE \*\*\*\*\* \*\*\*\*\* SELLERS SIDE \*\*\*\*\*

5168720 RG & M AUTO SALES

4938080 CAPITAL ONE AUTO FINANCE

EL PASO TX 79927

PLANO TX 75093

Sale price 2,600

Sig 1 Sale Price(Low 3750.00 ) 2,600

Buyers Fee 140

38 Sell Fee (MMR 5575 00 ) 95

Other Adjustments .00

Bid Other Deductions 591.75

Net(HWPd/FT M H ) 2,740.00

Selnet(Ck/Dft# 1 N 8972608 ) 1,913.25

Tel 915 525 4887

Disp

Ck Id LIRIZARRY

Fee 1 Tel 469 241 7000

By Ck# 16041 Dep Time 15:41:58

Dep Id LIRIZARRY

Ck Issued 5/08/2009

Deposit Date 5/11/2009

Date Paid 5/11/2009

Ck Cleared 5/07/2009

Returned Date

Move to Hold

Ck S/Pmt

Balance Due .00

Rem from Lot 5/11/2009

Ck Void

Auctioneer GL3 Block Clerk ANI Tracking # 000000000

Ck Sent

Title C St NC # 770120163884105

Id SGINITHAN Title Sent 5/11/2009 BU T

F1=Help F2=Detail F3=Exit F4=SalvageInfo F5=Notes F6=Factory Info SF12=More Keys

Exhibit I

Exhibit K

**Resend request**

Tuesday, March 29, 2011 4:23 PM

**From:** "Nancy Lewis" <rlike1872@yahoo.com>**To:** ryan.patterson@quarles.com**Cc:** snh@modrall.com, zayani@srw-law.com, kquigley@quarles.com

Mr. Patterson, would you be so kind as to resend your March 4 and March 27 emails to me in a format that will allow me to print them out? I am attempting to reconstruct our interactions over the title and bill of sale for what I presume must be another motion to compel, and how can I be expected to prove to the judges what an asshole (*pardonez moi Francais*) you have been to me when, in order to include your emails, I must copy them myself and thereby *not* be able to *prove* that you sent me these rude communications. And this extra work on my part also increases the amount of compensation I shall seek for your harassment. Thank you for your cooperation.

Nancy Lewis

Exhibit

L



Plaintiff hereby certifies that the following three entries are verbatim accounts of emails received by her from Atty. Ryan S. Patterson on the noted date; these emails are formatted in such a way as to prevent reproduction that would conclusively prove their source:

March 4

Ms Lewis - Understand that my client remains steadfast that the title used to sell the car upon repossession is absolutely irrelevant to the claims pending in the lawsuit. You were in breach of your agreement with COAF during the relevant time and, as such, COAF had no obligation to furnish the title to the New Mexico department of motor vehicles (sic).

That said, to stave off another motion to compel, COAF is tracking down the title and will furnish a copy of same in due course.

March 27

Attached are the documents in COAF's possession relating to the sale of the subject vehicle in this case upon repossession that have not previously been produced.

March 27

You have the bill of sale; it was attached to my last email. You have what COAF has. No motion is necessary.

Exhibit N